

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PATRICIA WALLACE and COURTNEY DOPP,

Plaintiffs,

-v-

6:08-CV-1372

THE COUNTY OF MONTGOMERY, et al.,

Defendants.

DAVID N. HURD
United States District Judge

ORDER

At oral argument on defendants' motion for summary judgment, heard on October 22, 2010, in Utica, New York, plaintiff Courtney Dopp ("Dopp") contended that her false arrest claim should not be dismissed. The basis for her contention was that the warrantless arrest inside a home violated her constitutional rights. However, she pled guilty to a lesser charge in full satisfaction of all the charges brought against her, defeating her false arrest claim. Moreover, further examination of the record reveals that after plaintiff Patricia Wallace told defendant Scott Whitman to wait by the door in the kitchen, a resident of the home invited him to enter the living room area. Thus, he entered with permission.

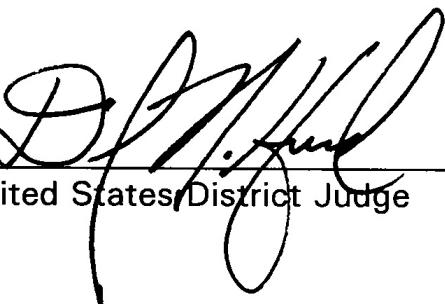
Accordingly, pursuant to the oral decision of the Court, entered into the record after the oral argument, and upon further consideration regarding Dopp's false arrest claim, it is hereby

ORDERED that

1. Defendants' motion for summary judgment is GRANTED in part and DENIED in part;

2. Municipal claims are DISMISSED on consent;
3. Plaintiff Courtney Dopp's false arrest cause of action is DISMISSED; and
4. Remaining for trial are plaintiff Patricia Wallace's claims of false arrest, malicious prosecution, and excessive force and plaintiff Courtney Dopp's claim of excessive force.

IT IS SO ORDERED.



United States District Judge

Dated: October 22, 2010
Utica, New York.